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jc928 U.S. PT
08/14/01

Docket # PF-0502-1 DIV

jc978 U.S. PTO
09/930026
08/14/01

"Express Mail" mailing label number EL 856 156 399 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on August 14, 2001

By: Nancy Ramos

Printed: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/058,368, filed on April 9, 1998, entitled HUMAN UBIQUITIN-CONJUGATING ENZYME HOMOLOGS.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/058,368 filed April 9, 1998, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/058,368, filed April 9, 1998, to which priority is claimed. In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/058,368 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 3-8, 12, 29-44 and 47-49 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject

matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Preeti Lal, Jennifer L. Hillman, Karl J. Guegler, Neil C. Corley, Mariah Baughn, Yalda Azimzai
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on is enclosed.
6. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/058,368, filed April 9, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

| Claims | Number Filed | Minus | Number Extra | Other Than Small Entity Rate | Fee | Basic Fee \$710.00 |
|--|--------------|-------|--------------|------------------------------|-----|-----------------------|
| Total Claims | 23 | -20 | 3 | x \$18 | | \$ 54.00 |
| Indep. Claims | 2 | -3 | 0 | x \$80 | | \$ 0 |
| <u> </u> Multiple Dependent Claim(s), if any | | | | + \$270 | | \$ 0 |

TOTAL FILING FEE \$ 764.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 764.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on July 15, 1998, at reel 9325/frame 0134.
12. A preliminary amendment is enclosed.
13. X Also enclosed Information Disclosure Statement (2 pp., in duplicate), List of Cited References

(2 pp.), Copy of previously submitted Revocation and Power of Attorney (2 pp.), and new Revocation and Power of Attorney (2 pp.).

14. X The power of attorney of the prior application is to:

| | |
|----------------------|-----------------|
| Lucy J. Billings | Reg. No. 36,749 |
| Michael C. Cerrone | Reg. No. 39,132 |
| Diana Hamlet-Cox | Reg. No. 33,302 |
| Richard C. Ekstrom | Reg. No. 37,027 |
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| Matthew R. Kaser | Reg. No. 44,817 |
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| David G. Streeter | Reg. No. 43,168 |
| Stephen Todd | Reg. No. 47,139 |
| Christopher Turner | Reg. No. 45,167 |
| Peng Ben Wang | Reg. No. 41,420 |

___ The associate power of attorney in the prior application is to:

- a. ___ An associate power of attorney is attached.
- b. X Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 14 August 2001

By: Richard C. Ekstrom Reg No. 37,027
for David G. Streeter, Ph.D.
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- ___ Inventor(s)
___ Assignee of complete interest
X Attorney or agent of record
___ Filed under 37 CFR 1.34(a)
___ Registration number if acting under 37 CFR 1.34(a) _____.